

## MINUTES

<b>Meeting:</b>	MEETING OF THE EXECUTIVE BOARD
<b>Date:</b>	Thursday, 6 June 2019 (EB meeting) Friday, 7 June 2019 (wrap-up EB meeting)
<b>Venue:</b>	Hotel Meliá Bilbao – Meeting room Pelli 1+2 Leizaola Lehendakariaren Kalea, Bilbao, Bizkaia

*These notes include the comments made by the different groups and the Commission both at the official Executive Board meeting and the informal wrap-up meeting which takes place after the interest group meetings with the view of consolidating positions and views for the plenary session of the Management Board. As much as possible, they are meant to complement the discussions, viewpoints and decisions as these are reported in the Management Board meeting minutes.*

### 1. Draft Agenda

The Chairperson welcomed the attendees and introduced the timeline and the agenda arrangements for the Executive and Management Board meetings.

She explained that the meeting would be spread across two days. The first day would start with this Executive Board meeting and will then continue with a meeting of the interest groups of the Management Board. The second day will start with an informal wrap-up meeting of the Executive Board, following the discussion in the interest groups, and then the Management Board will continue in the Plenary and work through the whole agenda.

She then reminded that the Executive Board is still working under the rules of procedures adopted under the previous Founding Regulation. The Agency submitted a proposal for new rules of procedure for discussion and adoption at this Management Board meeting.

The Chairperson then welcomed Mr. Per Hilmersson, Deputy Secretary General of the ETUC, who attended the Executive Board as an observer and introduced himself.

She asked all Executive Board members whether they might have a potential conflict of interests with any of the items to be discussed, in compliance with the Agency's policy on management of conflict of interest. No Executive Board member declared any. The Executive Director informed that she would leave the room when the Executive Board would discuss the item on her reclassification during the preparation of the Management Board meeting.

The Chair introduced the draft Agenda and asked whether there would be any items under "Any other business". No item was included under this point.

CONCLUSION: The draft Agenda was adopted.

### 2. Draft minutes

The draft minutes of the January Bureau meeting have been circulating previously.

CONCLUSION: The minutes were adopted.

### 3. Management Board meeting preparation

The Executive Board worked through the Management Board meeting agenda. The discussions focussed mainly on the following items:

- Item 5: EU-OSHA Financial regulation
- Item 9: Reclassification of Executive Director
- Item 10: Reflection on impact of the Agency's work of the new Founding Regulation
- Item 11: Rules of procedure for the Management and Executive Board
- Item 12: Policy on prevention and management of conflict of interests
- Item 13: Substantial and non-substantial amendments to the annual work programme
- Item 14: European Commission Staff Working Document on the evaluation of EU-OSHA, ETF, CEDEFOP and Eurofound

The Chairperson announced that item 9 would be dealt with at the end of the meeting, absent the Executive Director and all EU-OSHA staff attending the meeting.

#### EU-OSHA Financial Regulation

Further to the adoption of a new General Financial Regulation, in 2018 the Commission adopted a Delegated Regulation on the framework financial regulation (FFR) for the bodies referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 – including decentralised agencies.

The Agency put forward a request for some derogations to the Commission, mainly to make sure that the provisions in the financial regulations are well aligned to the provisions of the new founding regulation (e.g., provisions related to Management Board members and declarations of absence of conflict of interests vs declarations of interest).

However, since a feedback from the Commission inter-service consultation had not arrived on time for the present Management Board meeting and considering that the Agency had an obligation deriving from the framework financial regulation to ensure that the new rules would be in place as from 1 July 2019, the Agency suggested that the Management Board could adopt its financial rules by analogy based on the framework financial regulation. Once the feedback from the Commission on the requested derogations would be available, the Management Board could adopt the final regulation by written procedure.

This was the approach that had been followed in other Agencies.

The Commission, however, recommended waiting for the outcome of the inter-agency consultation before adopting any new rules, in order to fully respect the relevant procedure. The outcome of the consultation should be available in a matter of weeks. A written procedure could then be organised for the adoption of the final rules. In the meantime, the 2014 regulation would remain in force.

The Executive Board concluded that this item should be left on the Management Board's agenda but the objective should change – instead "for adoption" it should read "for discussion".

#### Reflection on Impact of the Agency's work of the new founding regulation

The new founding regulation includes a rewording of some of the tasks and objectives of EU-OSHA.

The Management Board is invited to consider what the impact of these changes are/should be on the Agency's work.

EU-OSHA carried out an assessment by mapping the tasks in the founding regulation versus the priority areas defined in the Multi-annual Strategic Programme 2018-2023 and the relevant activities in the programming documents.

The conclusion is that the Agency's mandate and tasks in the new regulation are well in line with EU-OSHA's ongoing and planned activities. Whereas there is an additional emphasis on the fact that the Agency should be a source of qualified expertise, the tasks and the work that is being carried out under the current activities and planned for the future under the current strategy and programming documents are well aligned.

The only item which qualifies as an additional requirement under the new regulation is the need to define a strategy for third countries and international organisations. This is also a requirement under the new financial regulation. The development of such strategy is seen as a formalisation of the relations that EU-OSHA has fostered over the years, mainly as part of its strategic and operational networking activities. Such strategy has already been defined and included into the draft programming document 2020-2022.

The Management Board will be requested to discuss and eventually validate the Agency's assessment with the necessary comments or amendments.

#### Rules of procedure for the Management and Executive Board

Under the new founding regulation, the Management Board shall adopt new rules of procedure for both the Management Board and the Executive Board.

The main issue discussed under this item was about the attendance at Executive Board meetings, given that the provisions in the new founding regulation foresee that there should be only two members per interest group instead of three as is currently the case. In the draft submitted for adoption, the Agency foresaw the possibility for the Chairperson to allow observers to Management and Executive Board meetings at the request of other members in exceptional circumstances.

Both the Employers and Workers re-stated the importance of ensuring the attendance of an additional member as observer and welcomed the solution. On the other hand, the Commission observed that it would be appropriate to ensure a harmonised approach across the tripartite Agencies. In addition, there were further issues that required some more in-depth discussion – including delegation of votes etc. – so it was suggested that the Agency would get back to the Executive Board in November to allow such further discussions and then to the Management Board in January 2020 for the adoption of the rules.

#### Policy on prevention and management of conflict of interests

Another requirement in the new founding regulation is that the Management Board adopts rules for the prevention and management of conflicts of interests in respect of its members and independent experts as well as of seconded national experts and other staff not employed by EU-OSHA. When it comes to the Management Board, it also foresees that each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interest and that any further update shall be duly communicated. Declarations of absence of conflict of interests and any later updates shall be published on the Agency's website. The policy currently in force – adopted by the Governing Board in November 2014 – shall therefore be repealed.

No questions were raised on this item.

#### Substantial and non-substantial amendments to the annual work programme

Both the founding and financial regulation foresee that there is a certain degree of flexibility when it comes to amending the work programme in the implementation phase. In particular, there is a distinction between substantial and non-substantial amendments – whereby for non-substantial amendments powers may be delegated by the Management Board to the Executive Director to adopt such non-substantial amendments.

The Governing Board decided on this issue back in 2017 on the basis of a definition of substantial amendments which has not proved to be very effective. To address this, the Agency is presenting a proposal which is in line with the definition indicated by the Commission in their Circular – Financing Decision and work Programme for Operational Expenditure under the Financial Regulation, October 2015 (chapter 6). This is also the approach followed by the other tripartite Agencies.

No questions were raised on this item.

European Commission Staff Working Document on evaluation of EU-OSHA, ETF, CEDEFOP and Eurofound

The Commission briefly introduced the Staff Working Document (SWD) which confirms the evaluation's findings that the four agencies have successfully fulfilled their tasks following from their mandates, and that they have provided high value-for-money and EU added-value. The work of the Agencies has proved to be both relevant and useful for the stakeholders. However, areas for improvements were also identified.

The Commission observed that two areas were of particular relevance to EU-OSHA: the recommendations related to the reinforced cooperation with the other Agencies in the view of maximizing synergies and impact; and the ones related to the need to reach SMEs even more effectively.

Based on the Commission SWD, the Agency has put together some reflections for the Management Board to consider on how the recommendations could be followed up.

The Executive Board acknowledged that it is important that the Management Board is fully engaged in the follow up. To this end, it was suggested that a Management Board seminar should be organized in January to further the discussions.

The Executive Board agreed the proposal to postpone decisions on an action plan until January 2020.

Reclassification of EU-OSHA Executive Director

The Executive Board discussed this item "in camera". The Executive Director as well as all EU-OSHA staff members attending the meeting left the room.

This item was for discussion.

#### **4. Healthy Workplaces Campaign 2020-2022: Monitoring and Evaluation Framework**

Andrew Smith, EU-OSHA head of communication and promotion presented this item.

At their previous meeting in January 2019, the Governing Board agreed to the work plan and process put forward by the Agency for the development of a monitoring and evaluation framework to assess the impact of the revised campaigning cycle.

The framework is now being finalised and will examine both the impact on the healthy workplaces campaign itself and on the communication and promotion of other Agency activities including the OiRA and its more policy-facing activities. [The Agency presented the work done so far](#). In particular, the Agency emphasised that there will be three main elements that will be evaluated: 1) efficient use of HWC resources; (2) promotion and communication of other activities; (3) efficient use of FOP resources.

Once the framework is established, data will start to be collected and monitored against these three levels. The decision on the future campaign cycle would have to be taken in June 2021 when some conclusions based on the data collected under the framework may be drawn.

There will be another substantial discussion at the TARAG in September, so that the final framework will be ready for final endorsement by the Executive Board in November 2019.

#### COMMENTS BY THE EXECUTIVE BOARD:

The Executive Board welcomed the update and had some remarks.

The Governments expressed concern that the Healthy Workplaces Campaign would be launched around the same time as the European week in October 2020. In addition, focal points would be expected to submit the first FAST report in November, which could be an issue in terms of workload. There is also an indicator in the proposed framework referring to focal points but it should read “social partners” instead.

*The Agency confirmed that the HWC 2020-2022 would be launched during the European week but highlighted that this also has some advantages in terms of visibility. It was also clarified that when it comes to FAST reporting the workload for focal point should not be too intense. 2020 is the year when only 25% of FAST credits will be allocated to the HWC whereas the rest is made available for other activities – so HWC reporting should be limited to the HWC launch. Regarding the indicator, the Agency confirmed that “focal points” shall be replaced by “social partners”.*

The Workers regretted that the outcome of the ex-post evaluation of the Healthy Workplaces Campaign to which the 3 years cycle will apply for the first time – on Musculoskeletal disorders – would become available only after the decision on the next cycle would have to be taken (mid-2023 vs June 2021).

*The Agency stressed that some relevant data from the framework shall be available by the time the decision of the new cycle would have to be taken. The Management Board should have sufficient elements to take an informed decision in relation to the future cycles.*

The Employers again reiterated their concern about the risk of disengagement of social partners and the loss of momentum in a stretched timespan. There have also been issues with the current contractor that the Agency should address.

*The Agency has been constantly in contact with focal points and problems are addressed as they arise. There is however a general perception that focal points are satisfied with the work of the contractor and the support they receive from the Agency.*

This item was for discussion

## **5. Staff Complaints on decisions taken by the Agency Executive Director**

The Agency explained that in case decisions on staff issues are taken at the level of the Executive Director – in compliance with the Management Board’s delegation – and these are appealed by staff, a mechanism has to be put in place to make sure that such appeals are properly handled. This is foreseen in Article 90(2) of the Staff Regulations.

The Executive Board was made aware of the fact that that the default option is that it is the Management Board as a whole who would have to deal with possible complaints. Therefore it becomes important to define a more efficient approach. The Agency envisaged three options for discussion:

- Establishing a Committee on staff matters – which would involve one representative per interest group and one representative from the Commission, dealing with appeals but also other matters such as adoption of Implementing Rules giving effect to the Staff Regulations.
- Establishing a committee on appeal – with the same composition as the above, but its only task would be to deal with possible appeals
- Delegating the power to act on staff appeal to one member of the Management Board (e.g. Chairperson or Commission representative).

At this meeting, the objective was to initiate a discussion and evaluate possible advantages and disadvantages in relation to the options proposed. However, due to lack of time, the Executive Board did not discuss it and the Agency will propose it again for the agenda at the next meeting in November.

This item was for discussion.

## **6. AOB**

The Commission informed the Executive Board that they have been contacted by the Court of Auditors regarding an audit on EU Agencies' performance, which will also involve EU-OSHA.

The Executive Director confirmed that the Agency is aware of this exercise and would inform the Management Board accordingly during the plenary.

## ANNEX – LIST OF PARTICIPANTS

	<b>Name</b>	<b>Representing</b>
1	Christa SCHWENG	Employers
2	Jessie FERNANDES	Employers
3	Kris DE MEESTER	Employers
4	Jesús ALVAREZ	European Commission
5	Charlotte GREVFORS ERNOULT	European Commission
6	Charlotte SKJOLDAGER	Government
7	Renārs LŪSIS	Government
8	Andreas STOIMENIDIS	Workers
9	Ben EGAN	Workers
10	Károly GYÖRGY	Workers
11	Viktor KEMPA	Workers
12	Per HILMERSSON	Workers Observer
13	Christa SEDLATSCHKE	EU-OSHA
14	Andrea BALDAN	EU-OSHA
15	Jesper BEJER	EU-OSHA
16	William COCKBURN	EU-OSHA
17	Petya KIRTCHEVA	EU-OSHA
18	Heike KLEMPA	EU-OSHA
19	Brenda O'BRIEN	EU-OSHA
20	Ilaria PICCIOLI	EU-OSHA
21	Andrew SMITH	EU-OSHA
22	Alberto SOCCOL	EU-OSHA Trainee